



BOARD OF ADJUSTMENT

WEDNESDAY, December 30, 2009

LEGAL ACTION REPORT

1. Call to Order: 1:40 p.m.
2. **C10-09-13 FRITZ RESIDENCES/A. FRITZ AND J. STEWART, 803 EAST LESTER STREET, R-2**

The applicants' property is a 7,414 square foot lot located on the northeast corner of East Lester Street and North Euclid Avenue and is zoned "R-2" Residential. The site is developed with a three (3) bedroom single-family dwelling and a detached accessory structure that has been converted into a second three (3) bedroom single-family dwelling. An addition to the principle dwelling and conversion of the carport into a second dwelling occurred without prior zoning approval and permits. The room expansion and second dwelling are subject to compliance with all Land Use Code (LUC) criteria applicable to new construction. The applicants are seeking zoning approval to allow the addition and second dwelling to remain as constructed and to provide vehicular access and maneuvering, parking and vehicular use area improvements per the submitted plans. Tucson LUC Sections applicable to this project include, but are not limited to, the following: Section 2.3.5, which provides the criteria applicable to residential development in the R-2 zone; Section 2.8.3 which provides the criteria for development along a Major Streets and Route (MS&R); Sections 3.2.5 and 3.2.6 which provide the development criteria applicable to all principle and accessory structures; and, Sections 3.2.8 and 3.3.7 which provide the development criteria for pedestrian access and vehicular use areas including parking, vehicular access, maneuvering, landscaping and screening. The applicants are requesting the following variances: 1) Allow the room addition to the principal dwelling to remain as constructed within the future Major Streets and Routes (MS&R) right-of-way; 2) Allow the second dwelling to remain as constructed with a reduction in the building setback from twenty-one (21) feet to fourteen (14) feet, as measured from the face of the existing curb; 3) Allow the second dwelling to remain as constructed within the future Major Streets and Routes (MS&R) right-of-way; 4) Allow primary vehicular access and maneuvering from the alley and allow a reduction in the width of the parking area access lane (alley) from twenty-four (24) feet to twenty (20) feet; and, *5) Reduce the number of motor vehicle parking spaces from five (5) spaces to four (4) spaces, all as shown on the submitted plans.

DECISION: VARIANCES 1, 2, 3, AND 4 APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- A) Applicant to obtain applicable permits.
- B) If Euclid Avenue is widened within the future right-of-way, the property owner is liable to remove the second dwelling and addition and the property owner shall incur the cost of this removal.
- C) The property owner shall record a covenant in a form acceptable to the City acknowledging the requirement to remove the structure and binding future property owners.
- D) The variances to allow these structures to remain with reduced setbacks and encroachments into the MS&R right-of-way are contingent upon restricting this property to a total of four (4) bedrooms. The applicant is to reduce the total number of bedrooms to four (4) by eliminating two (2) bedrooms in the second dwelling.

***NOTE: Variance 5 is no longer needed with the reduced and restricted number of bedrooms.**

3. C10-09-16 GRG CONSTRUCTION/T&G GREER, 9338 EAST OLD VAIL ROAD, I-2

The appellant (M. Dupont) is appealing the Zoning Administrator's (ZA) determination, dated October 5, 2009, regarding the land use classification for a new concrete batch plant proposed at the GRG Construction facility at 9338 East Old Vail Road, zoned I-2 Industrial. The ZA determined that, for the purposes of zoning, the concrete batch facility is a Primary Manufacturing use and is therefore subject to the *Land Use Code (LUC)* provision requiring manufacturing uses to be conducted wholly within completely enclosed buildings. Tucson *LUC* Sections applicable to this appeal include, in part, but are not limited to the following: Section 1.2.1, which provides for the Zoning Administrator to interpret the provisions of the *LUC* and Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Zoning Administrator's decision. The appellant is requesting reversal of the Zoning Administrator's determination, dated October 5, 2009.

DECISION: CASE CONTINUED TO THE JANUARY 27, 2010 PUBLIC HEARING.

4. C10-09-17 LAYTON PROPERTIES LOT SPLIT/A. AND B. LAYTON, 2102 - 2114 EAST EASTLAND, R-2

The subject property is comprised of four duplex units on three lots identified as County Club Manor Lots, 6, 7, 8 (including adjacent 30' of abandoned road), Block 27. Lots 6 and 7 are each developed with one duplex unit and Lot 8 is developed with two duplex units. The applicants propose to split Lot 8 and to reconfigure the interior lot lines between Lots 6, 7 and 8 to create a total of four parcels. The two parcels created from Lot 8 will be substandard in size and the proposed lot line reconfigurations result in reduced building setbacks for the existing structures, as measured from the reconfigured interior lot line between Lots 7 and 8. Tucson *Land Use Code (LUC)* Sections applicable to this project include, in part, Section 2.3.5 which provides the design criteria applicable to

medium density residential development in the R-2 zone, and Sections 3.2.3 and 3.2.6 which provide the minimum lot size and perimeter yard (setback) criteria for all principal structures. The applicants are requesting the following variances: 1) Reduce the minimum lot area for the new proposed parcel A from 5,808 square feet to 5,356 square feet, as shown on the submitted plans; 2) Reduce the minimum lot area for the new proposed parcel B from 5,808 square feet to 5,356 square feet, as shown on the submitted plans; and, 3) Allow the existing structures located on Lot 7 and proposed Parcel B to remain as constructed with reduced building setbacks, as measured from the reconfigured lot, as shown on the submitted plans.

DECISION: VARIANCES 1, 2 and 3 GRANTED.

5. Adjournment: 4:20 p.m.